

## **REMARKS**

By this Amendment, Applicant adds new claim 54. Thus, claims 1-54 remain pending.

In the Office Action, claims 1-4, 7-10, 21-24, 27-30, 41-43 and 46-48 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,434,467 to *Scott* ("*Scott*"); claims 1-6, 8, 10-26, 28 and 30-50 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,612,733 to *Flohr* ("*Flohr*"); claims 7, 9, 27 and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,983,201 to *Fay* ("*Fay*") in view of *Flohr* and, in regard to claims 7 and 27, further in view of U.S. Patent No. 6,502,583 to *Utsugi* ("*Utsugi*") and U.S. Patent No. 6,108,437 to *Lin* ("*Lin*"); and claims 51-53 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,034,698 to *Yasuda* ("*Yasuda*") in view of *Skincheck*<sup>TM</sup> (Omniconrols, September 2000) ("*Skincheck*").

### **Rejection of claims 1-4, 7-10, 21-24, 27-30, 41-43 and 46-48 based on Scott**

With regard to independent claim 1, *Scott* does not teach claim 1's recitation of "sending a signal to the display device to generate light . . . for irradiating the body part."

Referring to Fig. 5 of *Scott*, lights behind openings are positioned on opposite sides of a screen 76 to illuminate a user's face. (See col. 6, lines 59-64.) However, *Scott* does not teach that a display device itself "generate[s] light...for irradiating the body part." Because the lights behind openings 78 (rather than the screen, for example) illuminate the user's face, *Scott* does not teach or disclose sending a signal to a display device to generate light, as recited in claim 1.

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For at least these reasons, the § 102(b) rejection of claim 1 should be withdrawn. For similar reasons, the § 102(b) rejection of independent claims 21, 41, and 46 also should be withdrawn.

Claims 2-4, 7-10, 22-24, 27-30, 42, 43, 47 and 48 are allowable as well, at least in view of their dependence from allowable claims 1, 21, 41 and 46, respectively.

**Rejection of claims 1-6, 8, 10-26, 28 and 30-50 based on Flohr**

With regard to independent claim 1, *Flohr* also does not teach claim 1's recitation of "sending a signal to the display device to generate light . . . for irradiating the body part."

Instead, *Flohr* discloses a video camera adapted for use with a computer monitor. (See Abstract.) *Flohr* discloses at col. 2, lines 58-67 that the camera may operate in ambient light or with a white light illumination source to minimize glare from the screen. Thus, *Flohr* discloses a prior art technique, wherein a light source irradiates light on a body part during image capture to reduce ambient lighting. *Flohr* does not teach that the display device itself "generate[s] light ... for irradiating the body part." Accordingly, *Flohr* does not disclose or teach sending a signal to a display device to generate light, as recited in claim 1.

For at least this reason, the § 102(b) rejection of claim 1 should be withdrawn. For similar reasons, the § 102(b) rejection of independent claims 21, 41, and 46 also should be withdrawn.

Claims 2-6, 8, 10-20, 22-26, 28, 30-40, 42-45, and 47-50 are allowable as well, at least in view of their dependence from allowable claims 1, 21, 41 and 46, respectively.

**Rejection of claims 7, 9, 27 and 29**

Regarding the § 103 rejection of claims 7, 9, 27 and 29, Applicant described above how *Flohr* fails to teach or suggest the subject matter recited in claims 1 and 21 and required by claims 7, 9, 27 and 29, respectively.

*Fay*, *Utsugi* and *Lin* fail to cure the deficiencies of *Flohr*.

*Fay* discloses a system for remote shopping for eyeglasses. The system includes a database of facial images of an individual downloadable to the individual's computer system for manipulation. As noted at page 3 of the Office Action, *Fay* does not teach "a system and method of capturing and processing an image of a body part." Because *Fay* does not even teach capturing an image of a body part, *Fay* has no need to generate light for irradiating a body part. Accordingly, *Fay* does not teach or suggest "sending a signal to the display device to generate light . . . for irradiating the body part," as recited in claims 7, 9, 27 and 29.

*Utsugi* also does not disclose the claimed sending. In *Utsugi*, a user selects a desired face of a model or actress, for example. (See col. 8, lines 8-22.) Then, an image of the user's face is "picked up" and mixed to morph into the desired face. (See col. 8, lines 23-30.) After an ideal post-makeup face is determined, a sequence of makeup procedures is provided to the user. (See col. 8, lines 51-64.) *Utsugi* also fails to teach or suggest at least "sending a signal to the display device to generate light . . . for irradiating the body part," as recited in claims 1 and 21.

*Lin* discloses a face recognition apparatus for detecting whether a face is present in an image, determining a position of the face in the image, and extracting features to

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identify a face. (See Abstract.) *Lin* also fails to teach or suggest the above-mentioned subject matter of claims 1 and 21.

For at least these reasons, even if *Flohr*, *Fay*, *Utsugi* and *Lin* could be combined, the subject matter of claims 1 and 21 would not result. Consequently, the § 103(a) rejection of claims 7, 9, 27 and 29 should be withdrawn.

**Rejection of claims 51-53**

Regarding the § 103 rejection of claims 51-53, *Yasuda* and *Skincheck* do not teach or suggest at least an image capture device, a driver and at least one tool “packaged and distributed together,” as recited in independent claim 51.

The hairdo pattern selecting system of *Yasuda* includes a video camera 1 rotatably arranged on stanchion 2. Because video camera 1 is mounted on stanchion 2 and formed as a unit, the image capture device of *Yasuda* is not conducive to packaging and distributing. Indeed, *Yasuda* does not teach or suggest packaging and distributing an image capture unit and a driver, let alone a tool for gathering information related to beauty.

*Skincheck*, which describes a tool for gathering pH information, does not mention an image capture device or driver. Accordingly, that reference does not supply the above-mentioned deficiencies of *Yasuda*.

At page 4 of the Office Action the Examiner acknowledges that *Yasuda* does not teach a system with a “pH indicator,” but the Examiner alleges that pH indicators are “well known” and that “inclusion of such a tool in a beauty kit is a matter of design choice.” Applicant respectfully disagrees with the Examiner’s apparent characterization

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of the claims and his conclusory allegations regarding "well known" subject matter and design choice.

The Office Action fails to set forth a *prima facie* case of obviousness because there is no legally sufficient suggestion or motivation for combining the references. For example, while *Skincheck* discloses a skin-care kit including pH indicators, and *Yasuda* discloses a hairdo selection system, neither one of the references teaches or suggests combining pH information with hairdo selection. Therefore, it is unclear why a skilled artisan would be inclined to include pH indicators with the system of *Yasuda*.

Because the references do not teach or suggest all of the subject matter of claim 51 and because there is no legally sufficient motivation to combine the references in a manner resulting in the claimed invention, the Examiner should withdraw his rejection of claim 51. The rejection of claims 52 and 53 should be withdrawn as well, at least in view of their dependence from claim 51.

Applicant respectfully requests that the Examiner reconsider this application, withdraw the rejections, and allow all of the pending claims in a timely manner.

If a telephone conversation might advance prosecution, the Examiner is invited to call the undersigned (571-203-2774).

The Office Action contains numerous statements reflecting characterizations of the claims and/or related art. Applicant declines to automatically subscribe to any statement or characterization in the Office Action, regardless of whether it is mentioned above.

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Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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